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June 17, 2024

**VIA ECF & EMAIL (Failla\_NYSDChambers@nysd.uscourts.gov)**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: B.G., et al. v. City of New York, et al.**  
**Case: 1:23-cv-03761 (KPF)**  
**Our File No. 267805-F100**

Dear Judge Failla:

In accordance with Your Honor's April 4, 2024 order, counsel for all parties submit this letter update on the status of settlement discussions, whether to extend the partial stay of discovery, and a revised scheduling order.

Since the April 4, 2024 order, the parties have continued to engage in *ex parte* settlement discussions with Magistrate Judge Robyn F. Tarnofsky concerning injunctive relief measures relating to an emergency notification system at P.S. 347. Plaintiffs' counsel last met with Judge Tarnofsky on June 3, 2024, and Judge Tarnofsky is expected to follow up with Defendants' counsel about possible measures for an emergency notification system. The settlement discussions appear to be progressing and would benefit from additional time.

As the parties continue to explore settlement, the parties respectfully submit that the partial stay of discovery should be extended. This is the parties' second request for an extension of partial stay of discovery. Even with a partial stay, Defendants' counsel continues to gather discovery relating to injunctive matters and has indicated that additional documentation will be produced to Plaintiffs by July 1, 2024.

If a partial stay remains in place, it would seem premature to address a revised scheduling order at this time. Depending on whether further settlement discussions are fruitful, the parties can report in a future update to Your Honor on the issue of a revised scheduling order.

We propose setting a date of on or about August 19, 2024 for counsel to report back to Your Honor on the foregoing issues. Thank you for your consideration and attention in this matter.

Respectfully,

ROBERT T. REILLY

By: /s/ Keith J. Gross  
KEITH J. GROSS  
JUNOU M. ODIGE  
Of Counsel

KJG/ts

c: Hon. Robyn F. Tarnofsky  
(via email [TarnofskyNYSDCambers@nysd.uscourts.gov](mailto:TarnofskyNYSDCambers@nysd.uscourts.gov))

Counsel for Plaintiffs & Defendants (via ECF)

Application GRANTED. The parties shall file a letter update concerning, as appropriate, the status of settlement discussions, the necessity of extending the partial stay of discovery, and / or a revised scheduling order on or before **August 19, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket entry 50.

Dated: June 17, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE